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REMEDIAL LEGISLATION IN LOUISIANA

the claimant for such pecuniary injury; but the amount of appropriation, so recommended shall not exceed in any case, the sum of five thousand dollars (\$5,000).

Sec. 6. The board of control shall make up its report and recommendation and shall give to the controller of this state a statement showing its recommendations for appropriations under the provisions of this act, as provided by the law in cases of other claimants against this state for which no appropriations have been made.

Sec. 7. The board of control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this act. (Passed May 12, 1913.)

EDWIN M. BORCHARD, Law Librarian of Congress.

The Present Status of Bills to Indemnify the Victims of Errors of Criminal Justice.—The Federal Bill introduced in the Senate of the United States by Senator Sutherland (see this Journal, Vol. III, No. 5, p. 792) is now in the Committee on Judiciary, and action upon it is promised at the next regular session. In the meantime, Senator Sutherland has requested, through the State department, information relating to the expression of such statutes in European countries. Such information has been received and is now in my hands. It will be filed with the Judiciary Committee. The bill, since it had not been passed at the end of the last Congress, must be reintroduced in the next regular session.

A similar bill has become a law in Wisconsin (see this Journal, Vol. IV, No. 2, p. 285). A bill has been introduced in Massachusetts. It is quoted in full in the present issue. Action is promised also in New York. Editorial mention of the subject has appeared in the leading metropolitan papers of the East and Chicago; periodicals like *The Survey*, and others interested in the social legislation, have taken editorial notice of the matter. It is very desirable that the Institute of Criminal Law and Criminology, and the appropriate committee of the American Bar Association, should take the matter up and recommend it. If this should occur an impetus will be given to the legislation which is always certain to secure its favorable reception in national and state legislatures and its ultimate passage.

Since the above was set up a law has been enacted in California which follows closely the terms of the Federal Bill referred to above. See above.—[Ed.]

EDWIN M. BORCHARD, Law Librarian of Congress.

Remedial Legislation Required in Louisiana.—The biennial report of the Board of Control of the State Penitentiary at Baton Rouge, Louisiana, covering the calendar years 1910 and 1911, has just been received. One of the greatest obstacles to be overcome in handling a penal institution is to guard against indiscretion and unbridled zeal on the part of those whose intentions are good. Large discretion must be allowed in penal management to those who are entrusted with the execution of the laws. The present commutation laws in Louisiana are exceedingly lenient in their application. To write into them more liberal terms than they now include would endanger the fundamental principles upon which direct reform laws are based, namely, uniform and just punishment to all evil doers commensurate with the crime committed in the spirit of malice, but to deter others and to reform the offender. The lack of uniformity of

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sentences by the courts throughout the state for crimes of the same grade and nature forms one of the greatest barriers in administering the penal institution of the state along the lines suggested by humane principles. The effect of wide variation in sentences for like offenses tends to create a spirit of rebellion among the prisoners and to sow the seeds of anarchy. Reformation is thereby seriously hampered. Often the one who is committed for a maximum term of years is more responsive to prison rules and regulations than the one who receives the minimum sentence for a like crime. The ends of justice are thus not met.

"It is apparent," says the report, "that there should be some remedial legislation on this subject; some statute drawn on broad lines, and based on that fundamental principle of self-help and self-effort on the part of the prisoner himself, for, without this determination and honest effort on his part, all other assistance would avail but little. Believing, as we do, that there should be more uniformity of sentences for similar offenses and that even the equal opportunity for reform should be given to all prisoners, it would seem that the indeterminate sentence idea comes nearer to meeting the requirements and holds out the most practical solution in working out the reform sought. Under the operations of such laws, even justice and equal opportunities are offered and every man placed upon the same footing, and individual personal effort carries its own reward to be bestowed at such time, after the expiration of his minimum sentence, as his conduct, deportment and efficiency or service will warrant."

R. H. G.

The Indeterminate Sentence Law of Maine.—The following law was created during the last session of the State Legislature in Maine (Chapter 60).

AN ACT to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentences, and for the expense attending the same.

SECTION 1. That when any person shall be convicted of crime the punishment for which prescribed by law, may be imprisonment in the state prison at Thomaston, or the State School for Boys at South Portland, the court imposing sentence, shall not fix a definite term of imprisonment in said state prison, and may not fix a definite term in said State School for Boys, but shall or may fix a minimum term of imprisonment which shall not be less than six months in any case. The maximum penalty provided by law shall be the maximum sentence in all cases except as herein provided and shall be stated by the judge in passing sentence. The judge shall at the time of pronouncing such sentence recommend and state therein what, in his judgment, would be a proper maximum penalty in the case at bar not exceeding the maximum penalty provided by law. Every person confined in the state prison on the date of the passage of this act under sentence for a definite term for a felony, unless the term be for life, who has never before been convicted of a crime punishable by imprisonment in a state prison, shall be subject to the jurisdiction of the governor and advisory board in the matter of paroles and may be paroled in the same manner and subject to the same conditions and penalties as prisoners confined under indeterminate sentences under the provisions of this act. The minimum and maximum terms of the sentences of said prisoners are hereby fixed and determined to be as follows. The definite term for which each person is sentenced shall be the maximum limit of his term and if the definite term for which the person is sentenced is two years or less the minimum limit of his term shall be one year. If the definite term for which the person is sentenced is more than two years, one-half of the definite term of his sentence shall be the minimum limit of his